

**Amendments to the Claims:**

By this amendment, Applicants withdraw Claims 36-43 without disclaimer or prejudice, reserving the right to prosecute the subject matter of these withdrawn claims in subsequent divisional or continuation applications.

The listing of claims provided hereinbelow will replace all prior versions and listings of claims in the above-captioned application:

**Listing of Claims:**

1-22. (Canceled)

23. (Previously presented) An isolated nucleic acid comprising a nucleotide sequence having at least 80% homology to a reference nucleotide sequence wherein the reference sequence is selected from the group consisting of nucleotides 1-695 of SEQ ID NO:1, SEQ ID NO:1, SEQ ID NO:2, and the complements thereof.

24. (Previously presented) The isolated nucleic acid of claim 23 wherein said nucleotide sequence is at least 90% homologous to the reference sequence.

25. (Previously presented) The isolated nucleic acid of claim 24 wherein said nucleotide sequence is at least 95% homologous to the reference sequence.

26. (Previously presented) The isolated nucleic acid of claim 25 wherein said

nucleotide sequence is at least 98% homologous to the reference sequence.

27. (Previously presented) The isolated nucleic acid of claim 26 wherein said nucleotide sequence is at least 99% homologous to the reference sequence.
28. (Previously presented) The isolated nucleic acid of claim 23 wherein said reference sequence is nucleotides 1-695 of SEQ ID NO:1.
29. (Previously presented) The isolated nucleic acid of claim 23 wherein said reference sequence is selected from the group consisting of SEQ ID NO:1 and SEQ ID NO:2.
30. (Previously presented) The isolated nucleic acid of claim 28 wherein said nucleic acid has promoter activity in a plant cell or a plant.
31. (Previously presented) An isolated nucleic acid comprising a nucleotide sequence having nucleotides 1-695 of SEQ ID NO:1.
32. (Previously presented) An isolated nucleic acid comprising a nucleotide sequence selected from the group consisting of SEQ ID NO:1 and SEQ ID NO:2.
33. (Previously presented) The isolated nucleic acid of claim 32 wherein said nucleotide sequence is SEQ ID NO:1.
34. (Previously presented) The isolated nucleic acid of claim 32 wherein said

nucleotide sequence is SEQ ID NO:2.

35. (Previously presented) The isolated nucleic acid of claim 29 wherein said nucleic acid restores an sgs3 mutant of *Arabidopsis thaliana*.

36-43. (Withdrawn)

44. (Previously presented) An expression cassette comprising:  
a plant promoter;  
a nucleic acid comprising a nucleotide sequence that is at least 80% homologous to SEQ ID NO:2; and  
a plant terminator,  
wherein said plant promoter is operably linked to said nucleic acid, and wherein said terminator is operably linked to said nucleic acid.

45. (Previously presented) An expression cassette comprising:  
a plant promoter;  
a nucleic acid comprising a nucleotide sequence that is at least 80% homologous to the complement of a nucleotide sequence selected from the group consisting of SEQ ID NO:1 and SEQ ID NO:2; and  
a plant terminator,  
wherein said plant promoter is operably linked to said nucleic acid, and wherein said terminator is operably linked to said nucleic acid.

46. (Previously presented) An expression cassette comprising:  
a plant promoter having a nucleotide sequence that is at least 80% homologous  
to nucleotides 1-695 of SEQ ID NO:1,  
a nucleic acid encoding a heterologous polypeptide, and  
a plant terminator,  
wherein said plant promoter is operably linked to said nucleic acid, and wherein said  
terminator is operably linked to said nucleic acid.
47. (Previously presented) An expression vector or transformation vector  
comprising a nucleic acid of claim 23, 28, or 29 or an expression cassette of claim  
44, 45, or 46.
48. (Previously presented) A process for transforming a host organism comprising  
contacting the host organism with either a nucleic acid of claim 23, 28, or 29 or an  
expression cassette of claim 44, 45, or 46.
49. (Previously presented) A process for expressing a heterologous gene in a host  
organism comprising contacting a host organism, comprising a heterologous gene,  
with an expression cassette comprising:  
a plant promoter;  
a nucleic acid comprising a nucleotide sequence that is at least 80%  
homologous to the complement of a nucleotide sequence selected from

the group consisting of SEQ ID NO:1 and SEQ ID NO:2; and  
a plant terminator.

50. (Previously presented) A process for expressing a heterologous gene in a host organism comprising contacting a host organism which comprises a heterologous gene, with a polypeptide comprising an amino acid sequence that is at least 80% homologous to SEQ ID NO:3.
51. (Previously presented) A transformed host organism comprising at least one nucleic acid of claim 23, 28, or 29 or an expression cassette of claim 44, 45, or 46.
52. (Previously presented) An isolated nucleic acid that selectively hybridizes to a nucleic acid having a nucleotide sequence selected from the group consisting of nucleotides 1-695 of SEQ ID NO:1, SEQ ID NO:1, SEQ ID NO:2, and the complements thereof.